THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.614 of 2007

Dated:22.01.2007

Between:

Smt.Kolati Karuna and others.

…Petitioners

and

The Commissioner and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.614 of 2007

ORDER:

The petitioners seek a writ of mandamus declaring the action of the respondents in attempting to dispossess them from plot Nos.146, 147, 136, 137, 248, 249 and 242 in Survey Nos.7/1, 7/2, 8/2, 8/6, 8/8 and 10/3 of Darapalem of Mudasalalova Village of Chinnagadili Mandal in Visakhapatnam District, without following due process of law as illegal and arbitrary. They also seek a consequential direction to the respondents not to dispossess them from their respective plots.

The petitioners claim to be the owners of house plots referred to hereinabove. They allege that they have purchased the plots under registered sale deeds during 1990, 1991 and 2003, after making enquires regarding marketability of title by their vendors. They also allege that they obtained certificate bearing C.No.10/88, dated 28.06.1998, from the Mandal Revenue Officer, the third respondent herein, to the effect that the land purchased by the petitioners is ryotwari patta land as per the Settlement Adangal. It is the case of the petitioners that due to financial constraints they could not develop the land as residential plots. On 14.08.2006, the Officials from the Offices of the respondents came with bulldozers to level the land. Therefore, they filed the present Writ Petition. They also contend that when some similarly situated persons filed W.P.No.17515 of 2006, this Court disposed of the matter on 11.09.2006.

At the stage of admission itself, the learned Assistant Government Pleader for Revenue has brought to the notice of this Court that though this Court disposed of W.P.No.17515 of 2006 directing the authorities to follow due process of law for evicting the petitioners therein, subsequently, in another Writ Petition, being W.P.No.20444 of 2006, dated 18.12.2006, this Court was not inclined to pass such order. He has placed a copy of the subsequent order before this Court. In W.P.No.20444 of 2006, this Court having noticed that the land has been handed over to the Central Reserve Police Force, has dismissed the Writ Petition observing as under.

> …The order of this Court in W.P.No.17515 of 2006 has no application to the facts of this case, as in that case, learned Assistant Government Pleader admitted that the petitioners therein were not notified before allotting/handing over the land to CRPF. In this case, learned Assistant Government Pleader submits that the land has already been handed over to CRPF. Having regard to the fact that the petitioners approached this Court with some delay, there is no reason to disbelieve the submission of the learned Assistant Government Pleader.
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> The writ petition is devoid of any merit and is accordingly dismissed.

Following the above, this Writ Petition is also dismissed. No costs.

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(V.V.S.RAO, J)

22.01.2007
vs